

SCANNED &  
 FILED TO  
 L P 8/26/2020

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE  
 DISTRICT OF PENNSYLVANIA

HECTOR BOSSIO (Pro Se)

PL. v.s.

WARDEN SPALLING, et. al.  
 Defs.

CIVIL ACTION NO.

[PRO SE]

4:20-CV-1777  
 RECEIVED  
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 AUG 26 2020  
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DOC# 1: PRO SE 42 U.S.C. § 1983 — 2000

CIVIL RIGHTS COMPLAINT AND REQUEST  
FOR EMERGENCY COURT ORDER FOR  
A PRELIMINARY INJUNCTION

Comes now the plaintiff and files the foregoing respectfully and in good faith, against the hereunder defendants and all unlisted employees, respondents superiors and other persons which become known to Hector Bossio, "Bossio", in the future. This is a Civil Rights Complaint and motion for emergency preliminary injunction due to actions being implemented by defendants systematically, under color of authority, color of office, unlawfully, by the administration at Lewisburg U.S.P. (A federal prison). Bossio does not complain of isolated incidences, but complains of a policy or custom implemented by defendants whom have acquiesced to and acted deliberately indifferent to the hereunder described treatment of transferees to this facility from FCI, Estill (about 1000 inmates). It should be noted that NONE of the aforementioned transferees were transferred for any disciplinary reasons whatsoever. It should also be noted that Bossio does not speak for anyone other than himself but only uses the hereunder instances to describe treatment.

\*Please take special notice that currently Lewisburg U.S.P., "U.S.P." is on COVID-19 lockdown and Bossio has NO ACCESS to law library, forms, legal help or anything else to properly prepare the foregoing. These honorable federal courts have ruled that in instances like this that pro se filings are NOT TO BE DENIED FOR MISSTYLING ERRORS. Pro se litigants are not to

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be held to the letter of the law but are to be construed liberally (again Bossio is without access to law library and cannot cite cases but can only make such statements from law he has memorized) lending weight to the complainant's complaints. Therefore the foregoing is due to not be summarily dismissed, Bossio has taken care to include, in the hereunder subject matter, all the necessary information on EVERYTHING so that this honorable court can file the foregoing instant. Time is of the essence as this honorable court will see hereunder.

Furthermore, this complaint is also on file, as of August 12, 2020, in the 11<sup>th</sup> Cir. Court, case # 20-11410-B (3:16-cv-939), because Bossio could not obtain the address of this court and only obtained it today on Aug. 18, 2020. Along with the Complaint an application to proceed In forma Pauperis was also filed. Bossio will gladly refile said application if this court deems it necessary. The ruling on this request - timing and otherwise - have a clear and present effect on cases 20-11410-B; and Future 2255 filings if 19-13193-H is decided in the 11<sup>th</sup> Cir.

### ① PLAINTIFF:

(Inmate at U.S.P. Lewisburg)

A) HECTOR BOSSIO (INMATE I.D.) 65946-198  
P.O. Box 1000, Lewisburg, Pa. 17837

### ② DEFENDANTS:

\* (in their professional and personal capacities)

A) WARDEN SPALDING (Warden at U.S.P. Lewisburg)  
P.O. Box 1000, Lewisburg, Pa. 17837

B) Due to Covid Lockdown I am not able to get, and do not have memorized the exact personnel's names, addresses, or the capacities in which they operate in the B.P.D. There are several more defendants.

Please take special notice, Bossio reserves the right to amend this complaint when more, and relevant information is obtained.

### ③ Reasons for Complaint:

- 1) This action is brought forth by an inmate housed at U.S.P. Lewisburg, hereinafter "U.S.P.". Bossio was transferred there (U.S.P.) from F.C.I. Estill, "FCI", in South Carolina due to a tornado destroying the F.C.I. - NOT DUE TO DISCIPLINARY
- 2) REASONS. He and around 1000 others were emergency transferred during nationwide covid pandemic lockdowns. The state of Pa. was not allowing motor vehicle traffic from other states drive through. Bossio was flown in on 4-17-20, because
- 3) of the haste in which said inmates were transferred the inmates had to pack their own belongings. B.O.P. mandates say that officers must pack inmates' belongings but this was an impossibility at that time. Officials limited Bossio to 1 duffle bag and instructed
- 4) All Inmates to lock their bag with their personal combination lock. Bossio complied, as did everyone whom issued a lock. This eliminated the possibility of people placing contraband in another's property and also eliminated the possibility of personal property
- 5) such as legal documents, pictures, etc., becoming mixed. That is important to note as will be shown hereunder. Officials at the FCI, because of limiting us to one bag only caused Bossio and many others to abandon most of their belongings. A necessary
- 6) action under the circumstances.

Bossio packed ONLY B.O.P. authorized items, like things bought at commissary, and, legal work/research for 2 open cases in the process of direct appeal. See

- 7) 19-13193-H, case # 3:16-cv-839; 20-11410-B, case # 3:17-cr-119. Bossio represents himself for the civil case and also represented himself at his trial for the above criminal case. Bossio is in possession of all docs., exhs., and transcripts
- 8) of those cases. Much of the above evidence/exhibits is material to both cases because they involve the same arrest. Bossio has been litigating the above for 5 years. Most of the documents are IRREPLACEABLE and without it he
- 9) cannot litigate either of the cases nor future 3255 if the direct appeal for the criminal case is denied. see 20-11410-B.

- 10) Upon arrival to the U.S.P. admin./staff, "def's", made it clear to all arrivals from the F.C.I. that they were unwanted and unwelcomed. Several officers, "C.O.'s", made comments like, "We don't spoil CHOMOS at Lewisburg."



- 1) when asked simple questions. Chemo is a derogatory word for child molester. For some reason, U.S.P., is under the erroneous impression that the majority of FCI transferees are sex offenders. Bossio wants it made clear that he is NOT a sex offender
- 2) (emphasis added).

When Bossio asked several C.O.'s and Def's what procedure the U.S.P. would be following to go through and distribute his personal property one C.O. replied, "They'll probably give you whatever the fuck they want to give you", and another, "You'll be lucky to get anything other than clothes." This is the attitude of personnel at the U.S.P. since arrival on 4-17-20. The above is devastating for Bossio. Not only does he have what conservatively amounts to 400+ hrs of hard work and research vitally needed to prosecute his civil case, but he also has law books he has NO MEANS OF REPLACING

- Compounding to the verbal abuse and complete lack of any semblance of fair or decent treatment by def's. at the U.S.P., 4 months after Bossio's arrival the distribution of property is only about 5% done. It should be noted that Bossio's property arrived in April. Please take special notice to the fact that the U.S.P. has over 3x's the number of employees on duty at any given time than FCI Estill had on duty to supervise inmates and maintain that facility. When Bossio asks certain C.O.'s, why the U.S.P. has not been able to distribute all the property to everyone yet the more amicable C.O.'s respond in this manner, "they aint gonna get in a rush. They think you guys are all pedos and chomos." Pedo is a derogatory name for Pedophile. Most Def's. respond thus, "Ask someone who gives a fuck." or "I must look like I give a fuck." and it gets worse. If this honorable court find that language offensive please accept my apology while at the same time imagining someone vindictively and hostilely saying that directly to your face, in response to you, in front of everyone, while glaring at you as if daring you to respond any why they don't like so they can black box handcuff you and rush you into a tiny cage in the hallway to place you on display to the rest of the inmates in order to discourage them from even inquiring of simple things. In some not so uncommon instances FCI transferees have been taken to the basement bullied and threatened. No one is ignorant to the long history of abuse here in "the infamous Big house",
- ii) Lewisburg U.S.P.

- 1) Property is allegedly still being distributed. It is not inventoried in presence of the owner/inmate according to B.O.P. policy. In fact the bags are already open with the vast majority of their property already removed. Let me remind the
- 2) court that most if not all bags were locked with combination locks. In the majority in which FCI inmates have actually recieved their property their legal docs. have been THROWN AWAY, before they've been called to pick up their property, without their
- 3) Knowledge or consent, and MANY TIMES their legal documents are actually MIXED UP WITH OTHER INMATES LEGAL DOCS, in callous disregard for B.O.P. mandates constitutional protections, and the safety of the inmates in their care. It is so
- 4) overboard negligent that it can, and Bossio avers that it has, been done on purpose. It is mixed as if someone has taken a deck of cards and shuffled them. The Def's are doing the above because of their prejudice against FCI transferees, as they
- 5) have deemed us all sex offenders. They are trying to get sex offenders hurt. They will also get snitches hurt too by the above callousness.

- The above has been brought to the attention of admin./Def's. all the way up
- 6) the chain of command to Def. Warden Spaulding to no avail. He is indifferent. The same as been brought to the attention of B.O.P. Commissioner for this region and again to his superiors in D.C. (Bossio will amend the complaint to include the names of those
  - 7) def's. also)

- Please note, again, that none of the Exhill transferees were sent to U.S.P. Lewisburg for disciplinary reasons whatever. We are victims of a natural disaster.
- 8) Bossio was not sent here to be verbally abused, mistreated, disrespected, or harassed.
- Please take special notice that Warden Spaulding sent out a memo stating that he would follow B.O.P. policies in the distribution of our personal property then decided
- 9) to forgo those policies without notice whatever to anyone.

- Because the random mixing of inmates legal documents poses a very serious
- 10) life threatening danger to people whom co-operated with the government by snitching and to people whom are sex offenders - which it is the express duty of the U.S.P. to keep those persons safe and not put them in danger, the here
  - 11) under injunctive relief is due to be granted.

1) Because B.O.P. policies have force of law and B.O.P. employees are bound to the same this is due to be granted.

2) Because Bossio has a 14<sup>th</sup> Amend. property interest in his personal belongings which are in the duffle bag he locked with his personal lock this is due to be granted.

3) Because if the admin at the U.S.P. destroys or disposes of his legal materials books, etc., they will be knowingly sabotaging both above listed 11<sup>th</sup> cir. cases. Bossio 4) has made Jefs. fully aware of the same. The hereunder relief is due to be granted.

5) Because B.O.P. institutions cannot legally or lawfully destroy, dispose of, read, or deny Bossio his legal materials. Therefore the hereunder relief is due to be granted.

6) Because although the 4<sup>th</sup> Amend. protections of an incarcerated individual are reduced his property is still constitutionally protected by the 4<sup>th</sup> Amend. nonetheless. The hereunder relief is due to be granted.

7) Because the U.S.P. cannot take Bossio's B.O.P. approved belongings without administrative due process, in calouse disregard of B.O.P. policies, by enacting 8) the above described custom/policy arbitrarily, under color of authority, under color of office or otherwise. The hereunder relief is due to be granted.

9) Because the U.S.P. will not give any valid reason as to why this exceptionally well staffed facility cannot do the job of searching and distributing B.O.P. approved property bought by and paid for by the inmates themselves. Not to mention that the 10) us.p even has standup X-ray machines, X-ray conveyors, metal detectors, and is basically as equipped as an international airport and thus should have no problem searching for contraband using equipment admin. made tax payers pay for to 11) carry out this very routine procedure done every day by much less equipped



1) staffed and trained personnel in prisons nation wide; and do the job in compliance with B.O.P. policies. Therefore the hereunder relief is due to be granted.

2) because Bossio has done nothing to merit the above described treatment this is due to be granted.

3) Because Defs. are acting under color of authority;

because Defs are deliberately indifferent;

4) Because lack of training is not an excuse or defense or valid reason for the callous destruction of personal property in the systematic manner described above;

5) Because it is the express duty of the federal courts to uphold the rights, Constitutional, and otherwise, of individuals and to ensure the same is not violated with impunity by government employees and officials such as the defendants;

6) because if this court does not take immediate action and intervene and stop this callous abuse of authority and arbitrary uninductiveness the U.S.P. will nullify Bossio's ability to litigate the above cases; a process that is const. protected by the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> & 8<sup>th</sup> Amendments, and provisions of B.O.P. policies, which they are doing knowingly and in bad faith;

And because this U.S.P. has failed to provide Bossio with B.P. 8-13 forms (administrative remedies accorded through B.O.P. policies) Bossio has fulfilled the mandates and provisions of the Prison Litigation Reform Act, and has no choice but to file the instant complaint, the here under requested relief is due to be granted.

Because his legal materials were mailed to him by an attorney, and respected and approved by Officer/counselor Platts at the PCI this is due to be granted.

#### ④ RELIEF REQUESTED:

Wherefore, the premises considered, the plaintiff has a 2 fold, either or, whichever is appropriate upon receipt of the forgoing, which he respectfully prays this honorable court will grant as relief:

A. > If when this honorable court receives the forgoing Bossio's property was destroyed or disposed of as described above the requested relief is replacement of EVERYTHING he had pursuant to pro se litigation and prosecution of the above listed cases. Those include but are not limited to the following:

- 1) Black's Legal Dictionary 6<sup>th</sup> ed.;
- 2) Fed. R. Civ. Proc. 2014, that specific year only because the revisions are harder for lay persons to understand and the revisions exclude things law grads. know which lay men don't;
- 3) Fed. R. Cr. Proc. 2014 only for above reasons also;
- 4) Burrows Legal terms & phrases Dict.;
- 5) Yuguru anthropology textbook;
- 6) NKJV Bible leather study bible;
- 7) JPS TANAKH;
- 8) for defs. to pay for an investigator to obtain notarized original documents in Ga. and Ala. which Bossio currently possesses in his property. Affidavits of people whom are vital and material to current cases from people whom the addresses of are now unknown to Bossio 1 to 5 years later. Bossio cannot relocate them himself; and they are to obtain all
- 9) 911 transcripts obtained Ex Parte from the relevant 911 Districts — NOT THE POLICE STATION DISPATCHER — they are different, and pay for it and any other docs. they must replace regardless of cost, instant; and
- 10) To obtain all filings on dockets of both above cases and 3:16-cv-340, and documents submitted to the 11<sup>th</sup> Cir Court;
- 11) The investigator will need to personally take pictures of



1804 Timberland Dr, Phenix City, Ala. 36868, from all angles, in the day to replace the ones Bossio has, and to provide Google World pictures also which he also has. He also has approx. 4 copies of each; and

12) To obtain all reports from 2 investigators hired by him. If those investigators cannot be located then the defendants must send someone to interview the witnesses again (6 of them);

13) Defs. must allow him to make copies for free of documents he already had the necessary duplicates of; and

14) to provide the necessary postage needed for other documents he must send out for again;

15) to obtain and pay for personnel records of 2 officers from the Phenix City Alabama Police Dept. and one from the Dothan Alabama P.D.

16) to also set aside at a minimum \$5,000.00 for the items Bossio cannot remember he has and should not be expected to remember. Please take special notice that the above cases have been going on for almost 5 years and it would be IMPOSSIBLE to remember everything from the top of his head. In fact it is likely that there will be many instances in which he wouldn't remember something until the moment he reads it causing him more undue family caps.

17) \$2000 to Bossio personally for the misc. out of pocket expense which cannot be obtained (the materials) by any means which will be a total loss.

18) Bossio has researched many, many cases, has many hours of hard work taking notes; developing strategy; interviewing witnesses; notes on jurors; and much more intellectual property which he cannot replace, which he values at a conservative \$150,000.00 that the Defs. should have to pay; and also

19) Replace his Georgetown Journal 2010, criminal law handbook

20) Treatise on Const. Law, book, 2nd ed.;

21) Paterson Commercial law/U.C.C. Law Book;

22) Websters Dictionary;

23) Truth or Just Plain Bull - book on critical thinking.

- 24) 2 Jewish prayer study books; and
- 25) Print out copies of the Collins v Virginia supreme court 2018 brief and also all the justices' opinions for that case;
- 26) Because the more I think the more I remember Bossio reserves the right to amend this list.

B.7 If when this honorable court receives this the court is able and does prevent the destruction of Bossio's above listed and unlisted belongings then he requests the following relief:

- 1) That his duffle bag / personal property be searched and inventoried in his presence as per B.O.P. policy; and also
- 2) in camera; and
- 3) That he be given all B.O.P. allowed / approved property belonging to him without anymore undue delay. Bossio's civil case has been stayed for months now. Basically Bossio is requesting an injunctive order facilitating ④, B., 1-3. An emergency preliminary injunction.

### ⑤ Conclusion:

The U.S.P. has effectively through custom / policy and acquiescence of Warden Spaulding, created their own unlawful, unconstitutional, arbitrary, procedures violative of B.O.P. mandates which were put in place to insure this type of abuse of authority does not occur, this court, to protect the rights of the plaintiff, should order a preemptive / preliminary injunctive or other relief requested above if Bossio is damaged. This facility will not provide proper 423 1983 forms or in forma pauperis applications. Bossio has always been found indigent pursuant to the Criminal Justice Act of 1964 and is currently proceeding in forma pauperis in other cases.

It should be noted that if this honorable court delays at all there is a good chance that the defendants will devastatingly damage

Bossio therefore please accept this foregoing Complaint as is.

I hereby affirm that to the best of my knowledge, and under penalty of perjury the foregoing is true and correct.

executed on ; August 18, 2020

~~Hector Bossio~~, sui juris.

Hector Bossio, all rights

reserved.

If the court can prevent the above then a trial is unnecessary, if not Bossio DEMANDS A JURY TRIAL.

8-18-2020

All Rights Reserved

~~Hector Bossio~~, sui juris  
Hector Bossio



Inmate Name: Hector Basilio

Register Number: 65946-198

United States Penitentiary

P.O. Box 1000

Lewisburg, PA 17837

HARRISBURG PA 171

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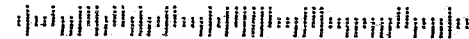
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